

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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RESIDENTIAL FUNDING COMPANY, LLC,

Plaintiff,

v.

**ORDER**

Civil File No. 13-3518 (MJD/JSM)

GATEWAY BANK, F.S.B.,

Defendant.

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David Elsberg and Peter E. Calamari, Quinn Emanuel Urquhart & Sullivan LLP, David L. Hashmall, Donald G. Heeman, Jessica J. Nelson, and Daniel R. Kelly, Felhaber Larson, Jeffrey A. Lipps, Carpenter Lipps & Leland LLP, Counsel for Plaintiff.

Carol R.M. Moss and J. Robert Keena, Hellmuth & Johnson PLLC, Greg W. Chambers and James W. Brody, American Mortgage Law Group PC, Counsel for Defendant.

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The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron, dated May 30, 2014. [Docket No. 64] Defendant filed objections to the Report and Recommendation. [Docket No. 67]

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the

Court adopts the Report and Recommendation of United States Magistrate Judge Mayeron dated May 30, 2014.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Janie S. Mayeron dated May 30, 2014 [Docket No. 64];
2. Defendant's Motion to Dismiss for Failure to State a Claim [Docket No. 19] is **DENIED AS MOOT**; and
3. Defendant's Motion to Dismiss Plaintiff's First Amended Complaint [Docket No. 46] is **DENIED**.

Dated: August 12, 2014

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court